

**25784. Adulteration of frozen raspberries. U. S. v. 150 Barrels of Frozen Raspberries. Consent decree of condemnation. Product released under bond. (F. & D. no. 37117. Sample no. 55606-B.)**

This case involved interstate shipments of frozen raspberries that were found to be worm- and insect-infested.

On January 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 barrels, more or less, of frozen raspberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 8, 1935, by the R. D. Bodle Co., from Tacoma, Wash., and charging that the article was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled "Straight Cuthbert Raspberries \* \* \*."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 10, 1936, the R. D. Bodle Co., claimant, admitting the allegations set forth in the libel, and consenting to a decree of condemnation, judgment of condemnation was entered and the article was released under bond for salvaging.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25785. Adulteration and misbranding of preserves. U. S. v. 249 Cases of Assorted Alleged Preserves. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37118. Sample no. 50549-B.)**

This case involved an interstate shipment of assorted so-called preserves, of which so-called apricot preserves and so-called peach preserves were deficient in fruit, and the so-called peach preserves contained added water.

On January 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 249 cases of preserves, including so-called apricot preserves and so-called peach preserves, at Jersey City, N. J., alleging that the product has been shipped in interstate commerce on or about October 30, 1935, by the Sambo Dairy Products, Inc., from Brooklyn, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The product contained in jars was labeled: "Filigree Brand Pure Apricot [or "Peach"] Preserves Net Weight 1 Pound Packed for Hudson Wholesale Grocery Co. Jersey City, N. J."

The so-called apricot preserves were alleged to be adulterated (1) in that a substance deficient in fruit had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality, and (2) in that a substance deficient in fruit had been substituted for pure apricot preserves, which the article purported to be. The so-called peach preserves were alleged to be adulterated (1) in that a substance deficient in fruit and containing added water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality, and (2) in that a substance deficient in fruit and containing added water had been substituted for pure peach preserves, which the article purported to be.

The so-called apricot preserves and the so-called peach preserves were alleged to be misbranded (1) in that the statements, "Pure Apricot Preserves" or "Pure Peach Preserves", as the case might be, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied respectively to imitation apricot or imitation peach preserves, and (2) in that the articles were, respectively, imitations of and offered for sale under the distinctive names of other articles.

On February 20, 1936, Sambo Products, Inc., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation was entered and it was ordered that the products be released under bond, conditioned that they be transferred to other containers and relabeled under the supervision of the Department of Agriculture.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25786. Misbranding of beer. U. S. v. 100 Cases and 62 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37124. Sample nos. 49339-B, 49340-B.)**

This case involved an interstate shipment of beer which was found to contain less alcohol than the percentage thereof represented on the label.

On January 27, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 162 cases of beer at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about January 21, 1936, by the Fontenelle Brewing Co., from Omaha, Nebr., and that it was misbranded in violation of the Food and Drugs Act. A portion of the article was in 12-ounce bottles labeled, "Robin Hood 6 percent Beer." The remainder was in half-gallon bottles, labeled: "Robin Hood Picnic Beer 6 percent."

The article was alleged to be misbranded in that the statement "6 per cent", borne on the label, was false and misleading and tended to deceive and mislead purchasers of the article, since the article in the 12-ounce bottles contained an average of only 4.59 percent of alcohol by volume, and the article in the half-gallon bottles contained an average of only 4.64 percent of alcohol by volume.

On January 28, 1936, the Fontenelle Brewing Co., Omaha, Nebr., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25787. Adulteration of frozen tullibeas. U. S. v. 30 Boxes of Frozen Tullibeas, et al. Consent decrees of condemnation. Product released under bond.** (F. & D. nos. 37125, 37139, 37144. Sample nos. 48069-B, 48070-B, 48071-B.)

These cases involved shipments of frozen tullibeas that consisted in part of a filthy animal substance.

On January 27, 30, and 31, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 115 boxes of frozen tullibeas, more or less, at Milwaukee, Wis., alleging that the article had been shipped in various shipments between the dates of December 5, 1935, and January 15, 1936, by the Keystone Fisheries, Inc., from Winnipeg, Manitoba, Canada, and that the article was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled, "Product of Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 25, 1936, the B. F. Griffin Co., Inc., claimant, admitted the allegations of the libels, judgments of condemnation were entered, and the article was released under bond to be exported by the claimant to the consignor in the country from which the article was shipped.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25788. Adulteration of pecans. U. S. v. 40,000 Pounds of Pecans. Default decree of condemnation and destruction.** (F. & D. no. 37128. Sample no. 53033-B.)

This case involved unshelled pecans which were in part moldy, decomposed, and wormy.

On January 29, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40,000 pounds of unshelled pecans at Albany, Ga., alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by J. W. McConnell & Sons, from San Saba, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On February 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25789. Adulteration of Limburger cheese. U. S. v. 136 Packages of Limburger Cheese. Default decree of condemnation and destruction.** (F. & D. no. 37181. Sample no. 53724-B.)

This case involved a shipment of cheese which contained a filthy animal substance, portions of insects.

On February 7, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 packages of a product labeled, "Swift's Brookfield Limburger Pasteurized Process Cheese",